



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Jeyanthi, et al  
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Dudash

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE  
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

\* \* \* \* \*

PETITION FOR REINSTATEMENT AND REVIVAL OF APPLICATION

Assistant Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

RECEIVED  
DEC 18 2002  
OFFICE OF PETITIONS

Sir:

Applicants telephoned the Patent Office on December 10, 2002 and learned that this application was abandoned because of incomplete application during pre-exam. Applicants request that this application be reinstated and revived due to Patent Office error.

OCCURRENCE OF EVENTS:

This Rule 53(b) continuation application was filed on June 22, 1999. To date, no Filing Receipt, Official Action, Notice of Incomplete Application, or Notice of Abandonment has been received by the undersigned Applicant's representative. Attached is a postcard receipt of the June 22, 1999 filing of the Rule 53(b) Continuation Application.

Attached is a copy of an Associate Power of Attorney (with change of correspondence address) and other documents that were also filed with the Rule 53(b) continuation application.

Three Status Requests were duly filed on July 25, 2000, April 4, 2001 and October 18, 2001 and no reply to these Status Requests has been received either telephonically or in writing to this date. The postcard receipts for each Status Request are attached.

Applicant's representative telephoned the Patent Office on December 10, 2002 and was advised that the application is abandoned. Applicant's representative was advised on the phone by the Patent Office that the undersigned is not listed as the attorney of record and our address has not been entered as the correspondence address. It is probable that the reason that this application went abandoned is that Applicant's representative never received any correspondence from the Patent Office.

It is respectfully submitted that this is a Patent Office error because the proper Associate Attorney with Change of Address was filed at the time of the filing of the Rule 53(b) Continuation application.

Applicants petition for the revival of this application. The Petition fee is enclosed herewith. However, Applicants cannot file a Reply because Applicants have not been informed what is due or needed. Applicants state that the delay was unintentional because Applicants did not know and were not advised that anything further for the completion of the Rule 53(b) application was required. Applicants request a refund of the Petition fee because it appears that the error of not sending correspondence to the undersigned representative for the Applicant was a Patent Office error.

Please note the correspondence address, as listed on the Associate Power of Attorney is as follows:

Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, Maryland 20833  
(301) 924-9500

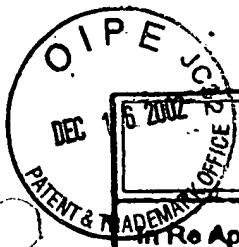
(See Associate Power of Attorney or Agent filed May 11, 1999 for parent application serial no. 08/590,973.)

Respectfully submitted,

Date: December 10, 2002

By 

Caroline Nash, Reg. No. 36, 329  
for: Elizabeth Arwine, Reg. No. 45,867  
Attorney for Applicants  
U.S. Army Medical Research  
and Materiel Command  
ATTN: MCMR-JA  
Fort Detrick, MD 21702-5012



Associate Power Of Attorney Or Agent (37 CFR 1.34)  
(For Representation Related To A Patent Application)

Docket No.  
Army 111

In Re Application Of: Jeyanthi, et al.

Serial No.	Filing Date	Examiner	Group Art Unit
02/590,973	January 24, 1996	Harrison, R.	1616

Invention: Neural Burst-Free Sustained Release Poly(Lactide/Glycolide)

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Please recognize the following as ☒ Associate Attorney ☐ Associate Agent in this application.

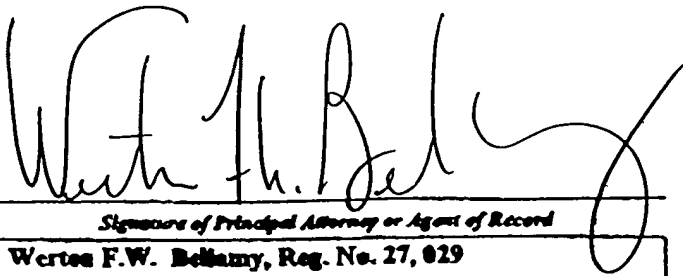
Name: Marlene Titus and Caroline Nash

Reg. No.: 35,843 and 36,329, respectively

Address: PLEASE CHANGE CORRESPONDENCE  
ADDRESS TO:

Nash & Titus, LLC  
3415 Brookeville Road  
Suite 1000  
Brookeville, Maryland 20833

Tel. No. (301) 924-9500 or (301) 924-9600



*Signature of Principal Attorney or Agent of Record*

Werten F.W. Bellamy, Reg. No. 27, 029  
Intellectual Property Law Division  
OTJAG, Department of the Army  
901 North Stuart Street  
Arlington, VA 22203-1837

*Registration Number & Address of Principal Attorney or Agent of Record*

RECEIVED  
DEC 18 2002

OFFICE OF PETITIONS

Dated: 5/6/99

I certify that this document is being deposited on  
5-11-99 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



*Signature of Person Mailing Correspondence*

Caroline Nash

*Typed or Printed Name of Person Mailing Correspondence*

DEC 16 2002

TRANSMITTAL LETTER  
(General - Patent Pending)

Docket No.  
Army 118

In Re Application Of: Jeyanthi, et al.

Serial No.  
09/337,945

Filing Date  
June 22, 1999

Examiner  
Harris, R.

Group Art Unit  
1617

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GHYCOLIDE) MICROSPHERES

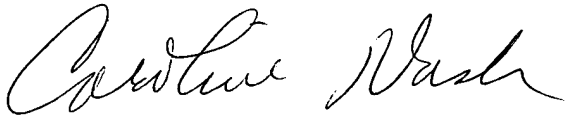
TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

Petition for Reinstatement and Revival of Application  
Cover Sheet with fee calculation (in duplicate)  
Copy of Associate Power of Attorney with Change of Address  
Copies of Status Requests dated July 25, 2000, April 4, 2001, October 18, 2001 (with postcard receipts)  
Copy of Postcard receipt for Rule 53(b) application dated June 22, 1999

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

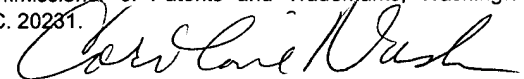


Signature

Dated: December 10, 2002

Caroline Nash, Reg. No. 36,329  
Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, MD 20833  
(301) 924-9500

I certify that this document and fee is being deposited  
December 10, 2002 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner of Patents and Trademarks, Washington,  
D.C. 20231.

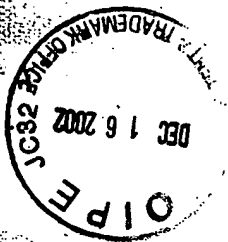


Signature of Person Mailing Correspondence

Caroline Nash

Typed or Printed Name of Person Mailing Correspondence

CC:



Received in the United States Patent and Trademark Office

Applicant: Jeyanthi, et al.

Serial No.: Rule 53(b) cont. Appn. of 08/590,973

Filed : June 22, 1999

Atty. Ref: Army 111A

enclosed:

Certificate of Mailing by Express Mail (no. EJ696804272US)

Utility Patent Appn. Transmittal (2)

Declarations

Associate Power of Attorney or Agent

Preliminary Amendment

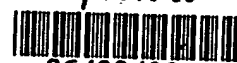
Specification including abstract (41 pages)

Sheets of Drawings: 8

Stamped, self-addressed postcard receipt

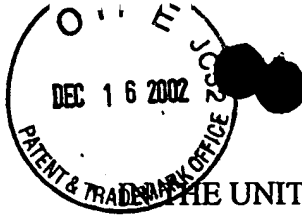
JC549 U.S. PTO

09/337945



06/22/99

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OFFICE OF PETITIONS



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Jeyanthi, et al  
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Harris, R.

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE  
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

\* \* \* \* \*

STATUS INQUIRY

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt or Official

Action has been received. Attached is a postcard receipt of the June 22, 1999 filing.

Please also note the correspondence address is as follows:

Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, Maryland 20833  
(301) 924-9500

RECEIVED

DEC 18 2002

OFFICE OF PETITIONS

(see Associate Power of Attorney or Agent filed May 11, 1999)

July 25, 2000

Respectfully submitted,

By

Caroline Nash, Reg. No. 36, 329  
for: Elizabeth Arwine, Reg. No. 45,867  
Attorney for Applicants  
U.S. Army Medical Research  
and Materiel Command  
ATTN: MCMR-JA  
Fort Detrick, MD 21702-5012

mailed: July 26, 2000



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 09/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

Atty.: Caroline Nash

Atty. Ref: Army 118

Enclosed:

- 1) Status Inquiry
- 2) copy of postcard receipt of application filed June 22, 1999
- 3) postcard receipt, stamped and self-addressed

mailed: July 26, 2000



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DEC 18 2002

OFFICE OF PETITIONS



DEC 16 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION of

Jeyanthi, et al

Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Harris, R.

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE  
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

\* \* \* \* \*

SECOND STATUS INQUIRY

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt or Official Action has been received. Attached is a postcard receipt of the June 22, 1999 filing. A Status Request was duly filed on July 25, 2000 and no reply has been received.

Please also note the correspondence address is as follows:

Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, Maryland 20833  
(301) 924-9500

(see Associate Power of Attorney or Agent filed May 11, 1999)

Date:

4/4/01

By

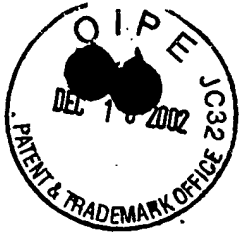
Respectfully submitted,

*Caroline Nash*  
Caroline Nash, Reg. No. 36, 329  
for: Elizabeth Arwine, Reg. No. 45,867  
Attorney for Applicants  
U.S. Army Medical Research  
and Materiel Command  
ATTN: MCMR-JA

RECEIVED

DEC 18 2002

OFFICE OF PETITIONS



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 08/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE)  
MICROSPHERES

Atty.: Caroline Nash

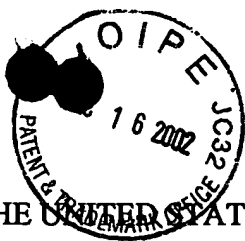
Atty. Ref: Army 118

Enclosed

Status Request  
postcard receipt

Mailed: April 4, 2001





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Jeyanthi, et al  
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Dudash

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE  
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

\* \* \* \* \*

THIRD STATUS INQUIRY

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt nor Official Action has been received. Attached is a postcard receipt of the June 22, 1999 filing of the Rule 53(b) Continuation Application of Serial No. 08/590,973.

Two Status Requests were duly filed on July 25, 2000 and April 4, 2001 and no reply for either has been received to date.

Applicants respectfully request an immediate reply considering it has been well over two years since this application has been filed.

RECEIVED  
DEC 18 2002  
OFFICE OF PETITIONS



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 08/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE)  
MICROSPHERES

Atty.: Caroline Nash

Atty. Ref: Army 118

Enclosed

Third Status Request

copy of postcard receipt dated Jne 22, 1999  
postcard receipt

mailed: October 18, 2001

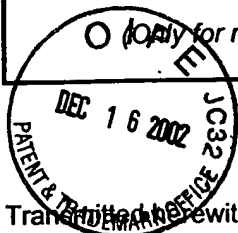


# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

Docket No.  
Army 111 A

Total Pages in this Submission

☐ Only for new nonprovisional applications under 37 CFR 1.53(b)



## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**NOVEL "BURST-FREE" SUSTAINED RELEASE POLY-(LACTIDE/GLYCOLIDE) MICROSPHERES**

and invented by:

Jeyanthi, et al.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/590,973

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/446,149

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 41 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☒ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
Army 111

Total Pages in this Submission

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets \_\_\_\_\_
- b. ☒ Informal Number of Sheets 8
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☒ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EJ696804272US

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
Army 111

Total Pages in this Submission

## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☐ Additional Enclosures (please identify below):

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	46	- 20 =	26	x \$18.00	\$468.00
Indep. Claims	4	- 3 =	1	x \$78.00	\$78.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$760.00
OTHER FEE (specify purpose) _____					
TOTAL FILING FEE					\$1,306.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 21-0380 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$1,306.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

Dated: June 22, 1999

Caroline M. Nash  
Reg. No. 36, 329

Nash & Titus, LLD  
3415 Brookeville Rd., Suite 1000  
Brookeville, Maryland 20833  
(301) 924-9500

cc:

78

Docket No.  
**Army 118 (111A)**

Group Art Unit  
unknown

P33LARGE/B/2002 11-11-00 CR  
 Student Code: 010000000  
 98337945  
 98337



# Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.  
**Army 118 (111A)**

In Re Application Of: **Jeyanthi, et al**

Serial No. 09/337,945	Filing Date June 22, 1999	Examiner unknown	Group Art Unit unknown
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**Invention: Novel Burst-Free Sustained Release Poly(Lactide/Glycolide) Microspheres**

### Calculation and Payment of Fees

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,280.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input type="checkbox"/>  | <u>                    </u> |

**Total fees enclosed:                   \$1,280.00**

The fee of **\$1,280** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **21-0380**
- A duplicate copy of this sheet is enclosed.

**Petition For Revival Of An Application For Patent Abandoned Unintentionally  
Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
**Army 118 (111A)**

In Re Application Of: **Jeyanthi, et al**

Serial No.  
**09/337,945**

Filing Date  
**June 22, 1999**

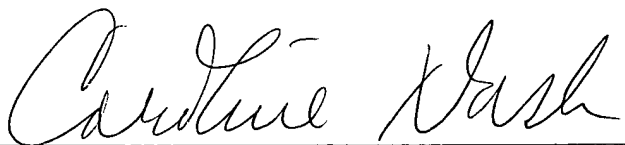
Examiner  
**unknown**

Group Art Unit  
**unknown**

Invention: **Novel Burst-Free Sustained Release Poly(Lactide/Glycolide) Microspheres**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

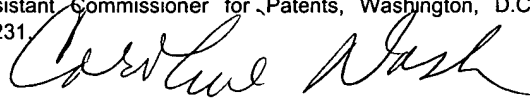


*Signature*

Dated: **December 10, 2002**

**Caroline Nash, Reg. No. 36,329  
Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, MD 20833  
(301) 924-9500  
FOR: Elizabeth Arwine, Reg. No. 45,867  
U.S. Army Medical Research and Materiel Command  
Fort Detrick, MD 21702**

I certify that this document and fee is being deposited on **December 10, 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



*Signature of Person Mailing Correspondence*

**Caroline Nash**

*Typed or Printed Name of Person Mailing Correspondence*

CC: